

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Vince Shier on 09/28/2011 and Anne St. Martin on 10/17/2011.

The application has been amended as follows:

- 1) Please cancel claims 12, 13, and 24.
- 2) Please amend claim 1, line 3 by adding --ammonium salt-- before "trimerization catalyst" and deleting "selected from the group consisting essentially of the ammonium salts".
- 2) Please amend claim 2, line 3 by adding --ammonium salt-- before "trimerization catalyst" and replacing "using" with --employing--.
- 3) Please delete in claim 3, line 2 the word "essentially".
- 4) Please delete in claim 5, line 2, the word "essentially" and in line 8, replace "or" with --and--.
- 5) Please amend claim 6, line 2 by adding --is an anion of an acid-- after the word "ion" and delete in line 2, the phrase "essentially of the anions".
- 6) Please amend claim 7, line 1 by adding --ammonium salt-- before "trimerization catalyst".

- 7) Please amend claim 8, line 1 by adding --ammonium salt-- before "trimerization catalyst".
- 8) Please amend claim 14, lines 3-4 by adding --ammonium salt-- before "trimerization catalyst" and deleting "selected from the group consisting essentially of the ammonium salts".
- 9) Please amend claim 15, line 3 by replacing "using" with --employing-- and by adding --ammonium salt-- before "trimerization catalyst".
- 10) Please delete in claim 16, line 2, the word "essentially".
- 11) Please delete in claim 18, line 2 the word "essentially" and in line 8, replace "or" with --and--.
- 12) Please amend claim 19, line 2 by adding --is an anion of an acid-- after the word "ion" and delete in line 2, the phrase "essentially of the anions".
- 13) Please amend claim 20, line 2 by adding --ammonium salt-- before "trimerization catalyst".
- 14) Please amend claim 21, line 2 by adding --ammonium salt-- before "trimerization catalyst".

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The closest prior art made of record fails to render obvious the claimed invention because while tetraammonium carboxylate catalysts are known and have been used in the prior art in processes for preparing isocyanurate (trimers) of polyisocyanates, the use of  $\alpha$ -hydroxy

carboxylates has not been found. Also, the secondary reference to Joern suggest that α-hydroxy carboxylates have a functional equivalence to non- α-hydroxy carboxylates. Furthermore, even though the prior art references suggest an inert environment, there is no mention of the oxygen content present during the reaction and because the applicants' have shown such a low concentration of applicants' and the prior art does not disclose or suggest such a level, the prior art fails to render obvious the claimed process. Also, based on in the instant specification, a person having ordinary skill in the art would not have found it *prima facie* obvious to substitute the non-α-hydroxy carboxylates of the primary references for the α-hydroxy carboxylates of the Joern reference with any reasonable expectation of success. As discussed with the applicants' the presence of the acid components added with suitable trimer catalysts lead to products with high color number, while ammonium salts substituted with α-hydroxy carboxylates unexpectedly produced polyisocyanates with reduced color value, which is a market advantage.

The Declaration under 37 CFR 1.132 filed 09/09/2011 is sufficient to overcome the rejection of claims 1-10,14-23,25,27-30 and 32-35 based upon Kohlstruck ('178 and '817) in view of Joern because the presence of acids alone leads to polyisocyanates with higher color numbers as can be seen from Table 1, a catalyst in combination with a 10% surplus of acid (as used in Joern) resulted in a longer reaction time and higher color numbers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL L. LEONARD whose telephone number is (571)270-7450. The examiner can normally be reached on Mon-Fri 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MILTON I CANO/  
Supervisory Patent Examiner, Art Unit 1763

/MICHAEL L LEONARD/  
Examiner, Art Unit 1763